

**From:** Michael Schwarz  
**To:** Microsoft ATR  
**Date:** 12/13/01 4:03pm  
**Subject:** Ineffective punishment for a virulently anti-competitive company

I do not believe that Microsoft will in any way modify its behaviors as a result of this decision. Three people, no matter their qualifications, cannot possibly monitor compliance over a base of billions of lines of code. Microsoft has demonstrated a repeated and constant pattern of bullying, evasion, threat, and abuse of monopoly power. So long as that monopoly exists, their power remains undiminished for they can maintain their freedom of action through obfuscation.

Microsoft's executives have been openly defiant of the Court, they have misrepresented evidence (as in the videotape evidence that allegedly showed a single computer system before and after removal of IE which, under cross examination was shown to be two completely different systems with a different mix of software), they have an institutional inability to see the illegality and immorality of their actions.

I believe a structural remedy is the only solution that will have any lasting effect, and I believe a remedy harsher than Judge Jackson's is necessary. I believe the company should be split into systems, applications, and media.

I believe the matter will be before the courts again. Next time ".NET" will be the center of their monopoly power. Microsoft has accepted this judgement and is about to do precisely what they did with the MS-DOS consent decree: They will, in essence, "rename" their monopoly (MS-DOS became Windows95): Windows will become ".NET."

The presently proposed settlement (admitting that I am a computer professional and not a lawyer) seems to me wholly inadequate to prevent the ongoing pervasive violations of law endemic to the Microsoft culture.

Michael A. Schwarz  
mschwarz@sherbtl.net